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CGHC010186272025 2026:CGHC:46930

**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MAC No. 1087 of 2025**

**1 -** Vashudev Sahu S/o Late Daani Ram Sahu Aged About 62 Years R/o Village Dataan Ward No. 9 Palari P.S. Palari Distt.- Balodabazar Bhatapara (C.G.)

**2 -** Narottam Sahu S/o Vashudev Sahu Aged About 40 Years R/o Village Dataan Ward No. 9 Palari P.S. Palari Distt.- Balodabazar Bhatapara (C.G.)

**3 -** Purushottam S/o Vashudev Sahu Aged About 38 Years R/o Village Dataan Ward No. 9 Palari P.S. Palari Distt.- Balodabazar Bhatapara (C.G.)

**... Appellants**

**versus**

**1 -** Badrinath Varma S/o Ashok Kumar Varma Aged About 25 Years R/o Near Shiv Mandir Daganiya Raipur City Distt. Raipur (C.G.) (Driver Of Motorcycle No. C.G.04 N.G. 8231)

**2 -** Punaram Painkra S/o Madan Singh Pinkra Aged About 31

Years R/o Near Shiv Mandir Daganiya Raipur City Distt. Raipur (C.G.) (Owner Of Motorcycle No. C.G. 04 N.G. 8231)

**3 -** Bajaj Alliance General Insurance Company Limited Through Divional Manager Divisional Office- Mobil Mahal, Vidhansabha Road, Pandri, Raipur, Distt. Raipur (C.G.) (Insurer Of Offending Vehicle)

--- **Respondent(s)**

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| | | |
|---|---|---|
| For Appellants | : | Ms. Prachi Singh, Advocate |
| For Respondents No.1 & 2 | : | Mr. Ankush Soni, Advocate |
| For Respondent No.3 | : | Mr. Sangeet Kumar Kushwaha, Advocate |

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**Hon'ble Shri Justice Sanjay Kumar Jaiswal**
**Order on Board**

**(05.11.2026)**

**1.** This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short the "Act of 1988") has been preferred by the appellants/claimants seeking enhancement of the amount of compensation, challenging the impugned award dated 29.01.2025, passed in Claim Case No.1037/2023 by learned 14th Additional Motor Accident Claims Tribunal, Raipur (CG), whereby the learned Claims Tribunal has awarded a total sum of Rs.7,68,681/- as compensation for the death of Kunti Sahu who was aged about 63 years and died in a road accident which took place on 31.10.2023.

**2.** Learned counsel for the appellant would submit that the learned Claims Tribunal has erred in awarding a lesser amount of compensation in the facts of the case. The Claims Tribunal has assessed the income of the deceased

on the lower side, which needs to be enhanced. The compensation awarded by the Claims Tribunal may suitably be enhanced. Further, at the time of the accident, the age of the deceased was 58 years as per her Voter ID, but the Claims Tribunal has not considered the same and has held her age to be 63 years.

**3.** Learned Counsel appearing for Respondents No.1 & 2 submits that at the time of accident the vehicle was insured with Respondent No.3, therefore, Respondents No.1 & 2 are not liable to pay any amount of compensation.

**4.** Learned counsel for respondent No. 3 / Insurance Company would submit that the Claims Tribunal, after appreciating the oral and documentary evidence available on record, has rightly awarded the compensation and has also rightly held the age of the deceased to be 63 years. Hence, the compensation awarded by the Claims Tribunal is just and proper and requires no interference.

**5.** I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.

**6.** As there is no document to show that the deceased was aged about 58 years at the time of the accident, i.e., on 31.10.2023, the Claims Tribunal, on the basis of the findings recorded by the Police, recorded the age of the deceased to be 63 years, which, in the considered opinion of this Court, is proper and requires no interference.

**7.** In the case at hand, it is true that the learned Tribunal has taken the monthly income of the deceased to be Rs.10,000/-, which ought to be Rs.10,100/- as per the Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh, to that extent

the impugned award needs to be modified.

**8.** Thus, in light of the aforesaid discussion and in light of the judgments of the Supreme Court rendered in the matters of **National Insurance Company Ltd. V. Pranay Sethi**[1], **Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors**[2] **and Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors**[3], this Court is computing the compensation as below:-

| **Sr. No.** | **Heads** | **Compensation awarded by the Tribunal** | **Compensation awarded by this Court** |
|---|---|---|---|
| 1 | Income | Rs. 10000 x 12 = 1,20,000/- | Rs. 10100 x 12 = 1,21,200/- |
| 2. | Future prospect | NA | NA |
| 3. | Deduction | (-) 1/3 (i.e. 40000) = 80,000/- | (-) 1/3 (i.e. 40400) = 80,800/- |
| 4. | Multiplier | (x) 7 = 5,60,000/- | (x) 7 = 5,65,600/- |
| 5 | Other conventional heads | Rs. 1,80,000/- | Rs. 1,80,000/- (18000+18000+144000) |
| 6 | Treatment Expenses | Rs.28,681/- | Rs.28,681/- |
| | **Total** | **Rs. 7,68,681/-** | **Rs. 7,74,281/-** |

**9.** In view of the aforesaid analysis, the amount of compensation of Rs.7,68,681/- awarded by the Claims Tribunal is enhanced to Rs.7,74,281/-. Hence, after deducting the amount of Rs.7,68,681/-, the appellants are

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130

held entitled for an additional amount of Rs.5,600/-. The additional amount of compensation shall carry interest @ 6% per annum from filing of the claim application before the Claims Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

**10.** In the result, the appeal is **partly allowed** and the impugned award is modified to the extent as indicated herein-above.

**11.** The Registry is directed to communicate the claimants in writing "the enhanced amount" in this appeal as against the award made by the concerned Tribunal. The said communication be made in Hindi Deonagri language and the help of paralegal workers may be availed with a co-ordination of Secretary, Legal Aid of the concerned area wherein the claimants resides.

Sd/-
**(Sanjay Kumar Jaiswal)**
**Judge**

*-Shubham*